

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>NORFOLK SOUTHERN RAILWAY</b>	:	
<b>COMPANY</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Case No.</b>
	:	
<b>v.</b>	:	
	:	
<b>MID-ATLANTIC DISTRIBUTION</b>	:	
<b>COMPANY INC.</b>	:	
	:	
<b>Defendant.</b>	:	

4. Defendant Mid-Atlantic Distribution Company, Inc. (hereinafter “Mid-Atlantic”) is upon information and belief, a Pennsylvania corporation with its principal place of business located at 2955 State Road in Croydon, Pennsylvania 19021.

5. The subject matter of this action stems from rail car demurrage charges, which are assessed pursuant to the provisions of Norfolk Southern Demurrage Tariff NS 6004 and rules promulgated thereunder relating to freight car use and distribution.

6. Between March of 2000 and December of 2001, Mid-Atlantic received delivery of rail cars but failed to timely return the rail cars to Norfolk Southern within the permitted “free time,” and thereby incurred \$99,180.00 in demurrage charges, all of said charges due and owing to plaintiff Norfolk Southern.

7. A full compilation of all such charges has been prepared by invoice and submitted to Mid-Atlantic.

8. Although repeated demand has been made for payment of the aforementioned charges, Mid-Atlantic has refused payment.

**WHEREFORE**, plaintiff Norfolk Southern Railway Company prays judgment on its complaint against defendant Mid-Atlantic Distribution Company, Inc. as follows:

1. For judgment against defendant Mid-Atlantic in the amount of \$99,180.00, together with interest;
2. For judgment against defendant Mid-Atlantic for its attorneys' fees, expenses, court costs, investigation costs and other costs of suit incurred in the litigation of this matter; and
3. For such other and further relief as the court deems just and proper.

By: \_\_\_\_\_  
Paul D. Keenan  
Kenneth J. Grunfeld  
  
Attorneys for Plaintiff  
Union Pacific Railroad Company

Dated: \_\_\_\_\_